

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
WESTERN DIVISION

CIVIL ACTION NO. 04-30087-MAP

CITY OF CHICOPEE, Acting through)
the CHICOPEE PUBLIC SCHOOLS,)
)
Plaintiff,)
)
v.)
)
DAVID T. As Parent and Next Friend of)
KAITLYN T. and MASSACHUSETTS)
DEPARTMENT OF EDUCATION,)
)
Defendants.)
)

FILED
JUN 10 2004
U.S. DISTRICT COURT
DISTRICT OF MASSACHUSETTS
WESTERN DIVISION

DEFENDANT DEPARTMENT OF EDUCATION'S ANSWER

The Attorney General, on behalf of the defendant Massachusetts Department of Education (the "Department"), answers the complaint as follows:¹

INTRODUCTION

No response is required to this paragraph, as it merely characterizes the nature of the action.

JURISDICTION AND VENUE

The allegations contained in this paragraph are statements or conclusions of law to which the Department is not required to respond.

THE PARTIES

¹The Department will also be filing a certified copy of the record of the administrative proceedings before the Bureau of Special Education Appeals ("BSEA"), which is a part of this Answer and incorporated herein.

1. The allegations contained in this paragraph are statements or conclusions of law to which the Department is not required to respond.
2. The allegations contained in this paragraph are statements or conclusions of law to which the Department is not required to respond.
3. The Department admits the allegations in this paragraph.

FACTS

4. This allegation refers to a document, which speaks for itself, and thus no response is required.
5. The Department admits that a meeting may have been held in June 2003, but it is presently without sufficient knowledge or information to form a belief as to the truth of the remaining allegations contained in this paragraph.
6. The Department is presently without sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph.
7. The Department denies the allegations in this paragraph.
8. The Department admits the allegations in this paragraph.
9. The Department is presently without sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph.
10. This allegation refers to a document, which speaks for itself, and thus no response is required.
11. This allegation refers to a document, which speaks for itself, and thus no response is required.

12. This allegation refers to a document, which speaks for itself, and thus no response is required.
13. This allegation refers to a document, which speaks for itself, and thus no response is required.
14. The Department is presently without sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph.
15. The Department is presently without sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph.
16. The Department is presently without sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph.
17. This allegation refers to a document, which speaks for itself, and thus no response is required.
18. The Department is presently without sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph.
19. The Department is presently without sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph.
20. This allegation refers to a document, which speaks for itself, and thus no response is required, and the Department is presently without sufficient knowledge or information to form a belief as to the truth of some of the allegations contained in this paragraph.
21. This allegation refers to a document, which speaks for itself, and thus no response is required, and the Department is presently without sufficient knowledge or information to form a belief as to the truth of some of the allegations contained in this paragraph.

22. This allegation refers to a document, which speaks for itself, and thus no response is required, and the Department is presently without sufficient knowledge or information to form a belief as to the truth of some of the allegations contained in this paragraph.
23. The allegations contained in this paragraph are statements or conclusions of law to which the Department is not required to respond and the allegations refer to a document, which speaks for itself, and thus no response is required.
24. The Department is presently without sufficient knowledge or information to form a belief as to the truth of the allegations contained in this paragraph.
25. The allegations contained in this paragraph refer to a document, which speaks for itself, and thus no response is required.

MASS. GENERAL LAWS CHAPTER 30A, SECTION 14(7)

26. The Department repeats and incorporates by reference all responses set forth in paragraphs 1 through 25 above.
27. The Department denies the allegations in this paragraph and the allegations contained in this paragraph are statements or conclusions of law to which the Department is not required to respond.
28. The Department denies the allegations in this paragraph and the allegations contained in this paragraph are statements or conclusions of law to which the Department is not required to respond.
29. The Department denies the allegations in this paragraph and the allegations contained in this paragraph are statements or conclusions of law to which the Department is not required to respond.

The Department requests that this Court deny the relief requested by the plaintiff and affirm the decision of the BSEA.

DEPARTMENT OF EDUCATION,
By Its Attorney,

THOMAS F. REILLY
ATTORNEY GENERAL

By: 

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CERTIFICATE OF SERVICE

I, Timothy M. Jones, hereby certify that on 6/7, 2004, I served a copy of the foregoing **Answer** by First-Class Mail, postage prepaid, on the parties of record as follows:

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Timothy M. Jones